

GOVERNMENT OF ANDHRA PRADESH

**ABSTRACT**

Public Services – Technical Education – Andhra Pradesh Technical Education Services – Disciplinary action against Sri A.Siva Prakasa Rao, Lecturer in Electrical and Electronics Engineering, S.S.Government Polytechnic, Zaheerabad – Punishment of stoppage of two annual increments with cumulative effect and regularising the period of absence from 14-12-2002 to 29-06-2007 as “Dies-Non” - Orders – Issued.

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**HIGHER EDUCATION (TE.I) DEPARTMENT**

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**G.O.Ms.No.238**

**Dated: 04 -10-2008.**

Read the following:-

- Ref:-1.Procs.No.G2/31230/04/05, dt.2.6.2005 of the DTE, Hyd.  
2. Orders dt.30.6.2006 of APAT, Hyd, in O.A.No.7271/2005.  
3. Govt.Memo.No.13348/TE.I/A2/2005-2, Higher Edn Dept.  
dt.6.7.2006.  
4. From the DTE, Hyd, Lr.No.G2/31230/2004/05, Dt,4-7-2006.  
5.Govt.Memo.No.13348/TE.I/A2/2005-4, Higher Edn Dept.  
dt.6.10.2006  
6.Govt.Memo.No.13348/TE.I/A2/2005-5, Higher Edn Dept,  
dt.8.1.2007  
7. Procs.No.G2/31230/2007, dt.22.6.2007 of the DTE, Hyd.  
8.From Sri A.Sivaprakasa Rao, Lecturer in EEE, SS  
Govt.Polytechnic, Ranjhole, Zahirabad, Representation,  
dt.23-7-2007.  
9. Orders dt.28.8.2007 of the APAT, Hyd in O.A.No.5060/2007.  
10. From the CTE, Hyd, Lr.No.G2/31230/2007, dt.29.9.2007.  
11. Govt.Memo.No.13348/TE.I/A2/2005-6, dated: 25-10-2007.  
12.C.A.No.768/2007 in 5060/2007 filed by Sri A.Siva  
PrakasaRao, Lecturer in EEE, S.S.Govt. Polytechnic,  
Zaheerabad.  
13.Explanation of Sri A.Siva Prakasa Rao, dated: 24-11-2007.  
14.Proceedings of the CTE, A.P., Hyd., No.G2/31230/2007,  
dated: 7-12-2007.  
15.From the CTE, Hyd., Lr.No.G2/31230/2007, dt.12-12-2007.  
16.From the orders of the APAT in C.A.No.768/2007 in  
O.A.No.5060/2007, dated: 15-2-2008.  
17.From the Secy., APPSC, Lr.No.3252/RT-I/3/2008,  
Dated: 17-06-2008.

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**ORDER:**

Sri A.Siva Prakasa Rao, Lecturer in Electrical and Electronics, Engineering, S.S Government Polytechnic, Zaheerabad has abstained from duty unauthorisedly for more than three years w.e.f 14.12.2002 and he also did not hand over the charge of Computer Lab of the institution. Subsequently, he has applied for Earned Leave on medical grounds for a period of 20 days from 14.12.2002 to 02.01.2003 but even after expiry of the said leave, he did not report for duty

2. Further, his wife Smt.A.Kumari has lodged a complaint against him in the Police Station at Bhimavaram vide FIR No.119/03 under Section 498/A read with 34 of IPC for the criminal charges of harassment of dowry and threatening of remarriage with another girl and the individual was under police custody for more than 48 hours. He was placed

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under suspension w.e.f 14.12.2002 under CCA Rules since two criminal cases were pending against him in the Court of Law and he was in police custody for more than 48 hours. When the matter stood thus, the applicant has represented on 18.8.03 to permit him to join duty on 18.7.2003 by stating that he was on leave from 14.12.2002 to 17.8.2003 on health/personal grounds, but he did not report for duty as promised. His unauthorised absence has resulted in serious dislocation of the academic work and lot of inconvenience to the administration. . Hence, disciplinary action was initiated and articles of charges were framed against him for his unauthorised absence from duty vide proceedings first cited.

3. An enquiry was conducted into the above charges and based on the inquiry report, a show cause notice was issued to him on 7-3-2005 as to why a major penalty of 'Removal from service' should not be imposed on him for the charges held proved against him. The charged officer has failed to explain the valid reasons for his unauthorised absence for more than 3 years. Hence, he was removed from service vide Proceedings dated:2.6.2005 of the Commissioner of Technical Education in the reference first read above.

4. The incumbent has approached the Hon'ble APAT against the above orders of removal from service and in pursuance of the orders of the Hon'ble Tribunal dt.13.6.2006 in O.A.No. 7271/2005, the Government in Memo. dated: 08-01-2007, have set aside the Proceedings dated.2.6.2005 of the Commissioner of Technical Education, and continued the disciplinary action contemplated against the individual. Accordingly, a Show Cause Notice was issued to him to explain as to why suitable disciplinary action should not be taken against him and why an appropriate punishment should not be imposed against him for his unauthorized absence. The applicant was also reinstated into Government service pending disciplinary action initiated against him and he was posted to S.S.Government Polytechnic, Zaheerabad vide Director of Technical Education Proceedings No.G2/31230/2006, dated: 23-06-2007 and the applicant joined duty on 30-06-2007.

5. The applicant has again filed O.A.No.5060/2007 in the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad for payment of pay and allowances from the date of suspension till his joining to duty i.e., from 14.12.2002 to 30.6.2007. The Hon'ble Tribunal in its interim orders dt.28.8.2007 has directed the respondents to pass orders on the representation of the applicant dt.26.7.2007 with respect to release of pay and allowances for the period from 14.12.2002 to 30.6.2007 within a period of eight weeks.

6. In the reference 11<sup>th</sup> read above, the individual has been informed that the disciplinary proceedings initiated against him for his unauthorised absence from duty during the period from 14.12.2002 onwards are still pending and unless the period of his unauthorised absence from duty from 14.12.2002 to 29.6.2007 is regularised after finalisation of the said disciplinary proceedings, the individual is not entitled to the regular pay and allowances for the said period. However, he will be entitled for subsistence allowance for the period spent under suspension. Accordingly, in the reference 14<sup>th</sup> cited, sanction was accorded for payment of subsistence allowance to Sri A.Siva Prakasa Rao, Lecturer in Electrical and Electronics Engineering, S.S.Government Polytechnic, Zaheerabad for the suspension period from 14-12-2002 to 29-06-2007, while working at K.D.R.Government Polytechnic, Wanaparthy.

7. In the reference 13<sup>th</sup> read above, the individual has submitted his explanation to the Show Cause Notice issued vide Govt.Memo. 6<sup>th</sup> read above. Government have examined and found that his explanation was vague and totally unconvincing, and he had exhibited gross dereliction of duties due to his unauthorized absence.

8. In the circumstances explained above, Government, after careful examination of the entire matter, hereby **award a punishment of stoppage of two annual grade increments with cumulative effect against Sri A.Siva Prakasa Rao, Lecturer in Electrical and Electronics Engineering, S.S.Government Polytechnic, Zaheerabad and also to treat the period of his absence from 14-12-2002 to 29-06-2007 as "Dies-Non" as per Note-I under FR-18 and Rule 5-A of A.P.Leave Rules, 1933.**

12. The Commissioner of Technical Education, A.P., Hyderabad shall take necessary further action in the matter. accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**ASUTOSH MISHRA**  
**PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Commissioner of Technical Education, Hyderabad, AP, Hyderabad.

The Individual concerned through the Commissioner of Technical Education, Hyderabad.

Copy to:

The Accountant General A.P., Hyderabad.

The Director of Treasuries & Accounts, Hyderabad.

The Secretary, A.P.Public Service Commission, Hyderabad.

OSD Minister (TE)

P.S to Prl. Secretary to Government, H.E Department.

SF/Sc

//Forwarded: :By Order//

SECTION OFFICER